

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTHONY G. GILL,

Plaintiff,

v.

No. 9:02-cv-1460
(FJS/RFT)

CHRIS PIDLYPCHAK, Correction Officer and
T.G. DYGERT, Correction Officer,

Defendants.

APPEARANCES:

OF COUNSEL:

ANTHONY G. GILL
Plaintiff, Pro Se
94-A-8208
Great Meadow Correctional Facility
Box 51
Comstock, New York 12821-0051

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
The Capitol
Albany, New York 12224

DOUGLAS GOGLIA, Esq.
Asst. Attorney General

FREDERICK J. SCULLIN, JR., S.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge Randolph F. Treece filed November 20, 2006 and the Court having reviewed the Report-

Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is hereby

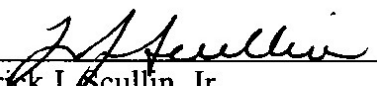
ORDERED, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed November 20, 2006 is **ACCEPTED** in its entirety, for the reasons stated therein; and it is further

ORDERED, that the Order granting Gill's IFP status is **VACATED**; and it is further

ORDERED, that Defendants' Letter-Motion seeking dismissal of Gill's Complaint pursuant to 28 U.S.C. § 1915(g) is **GRANTED** unless Gill pays the filing fee of \$150.00 within thirty days of this final order.

IT IS SO ORDERED.

DATED: December 19, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge